

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RANDALL SHULER,  
Plaintiff,

v.

THE HONORABLE STUART J. SCOTT,  
Defendant.

Case No. 22-cv-07652-VKD

**ORDER DIRECTING PLAINTIFF TO  
SHOW CAUSE WHY THIS CASE  
SHOULD NOT BE DISMISSED**

Plaintiff Randall Shuler, who is representing himself, filed this action on December 5, 2022. Dkt. No. 1. On February 28, 2023, the Court issued an order reminding Mr. Shuler of the March 6, 2023 deadline to complete service. Dkt. No. 5. Absent proof that he timely served the defendant or that defendant waived service of summons, Mr. Shuler was directed to file a status report regarding his efforts to complete service. *Id.* The Court's order stated that if Mr. Shuler failed to respond to the order or to otherwise obtain an extension of the service deadline for good cause shown, the Court would have the matter reassigned to a district judge with the recommendation that the case be dismissed. *See id.*; *see also* Fed. R. Civ P. 4(m).

Since then, the Court has twice granted Mr. Shuler's requests for an extension of time to complete service of process. *See* Dkt. Nos. 7, 9. Most recently, on May 9, 2023, the Court granted a final extension to June 26, 2023 to serve the defendant. *See* Dkt. No. 9. That order stated that no further extensions would be granted. The order also noted that "Mr. Shuler's failure to comply with the extended deadline for service of process may result in the dismissal of this action." *Id.*

On May 22, 2023, the Court's May 9 order was returned to the Court by the U.S. Postal

1 Service as undeliverable. Dkt. No. 10. As ordered by the Court, on May 23, 2023, the Clerk of  
2 Court sent the May 9 order to Mr. Shuler at an alternate email address indicated in his most recent  
3 motion for an extension of time. *See* Dkt. Nos. 8, 12. The Court advised Mr. Shuler of his  
4 responsibility to keep the Court apprised of his current contact information, or risk dismissal. *See*  
5 Dkt. No. 12. The Court is informed that the email sent to Mr. Shuler's alternate email address (*see*  
6 Dkt. No. 8) could not be delivered. If Mr. Shuler does not provide the Court with his updated  
7 address information by July 21, 2023, this case will be subject to dismissal for his failure to keep  
8 his contact information current. *See* Civil L.R. 3-11(b).

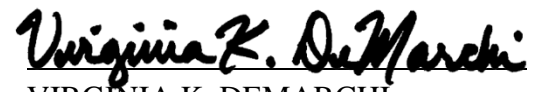
9 The June 26, 2023 deadline for service of process has passed. The Court has received no  
10 indication that Mr. Shuler has completed service of process on the defendant. Nor has the Court  
11 received any further communication from Mr. Shuler.

12 Mr. Shuler shall file a written response to this order explaining why this action should not  
13 be dismissed without prejudice for his failure to comply with the Court's orders and for his failure  
14 to prosecute this case. Mr. Shuler must file his written response by **July 14, 2023**. As the Court  
15 currently has no other contact information for Mr. Shuler, the Clerk of the Court shall send a copy  
16 of this order to him at his mailing address of record and to the alternate email address identified in  
17 his most recent filing (*see* Dkt. No. 8).

18 If Mr. Shuler fails to respond to this order, or to adequately explain why this action should  
19 not be dismissed, the Court will have this matter reassigned to a district judge with the  
20 recommendation that the case be dismissed.

21 **IT IS SO ORDERED.**

22 Dated: June 30, 2023

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25 VIRGINIA K. DEMARCHI  
26 United States Magistrate Judge  
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